

### **REMARKS**

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 6-7, 16, and 19 have been amended. Support for the claim amendments and new claims may be found throughout the specification as well as the claims as originally filed. No new matter has been added.

Upon entry of the amendment, claims 1-20 will be pending in the present application with claims 1, 7, 16, and 19 being independent.

#### **I. Rejections Under 35 U.S.C. §112**

The Office Action rejects claim 6 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses the rejection.

Claim 6 has been amended to recite "said at least one receiver is attached to a keyboard." Support for "said at least one receiver is attached to a keyboard" can be found in the specification in, at least, figure 1a.

Therefore, Applicant respectfully submits that claim 6, as amended, is enabling. Accordingly, for at least this reason, reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. §112, first paragraph, are respectfully requested. Furthermore, Applicant submits that these amendments to the claims are made to overcome the §112 rejection and not to overcome the cited references. Therefore, these amendments should not be construed in a limiting manner.

#### **II. Rejections Under 35 U.S.C. §102(b)**

The Office Action rejects claims 1-3 and 5 under 35 U.S.C. §102(b) as being anticipated by Zloof (U.S. Pat. No. 5,489,922). Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

Zloof discloses a user interface device which includes two rings. (Zloof Abstract). One ring is worn on the user's right middle finger and the other is worn on the user's left middle finger. (Zloof col. 1, lines 35-38). Each of the rings is comprised of a fixed inner ring and a rotatable outer ring. (Zloof col. 1, lines 45-47). Control signals are generated when the user rotates one of the outer rings with one of his thumbs. (Zloof col. 1, lines 62-65). One of the rings controls vertical cursor movement and the other controls horizontal cursor movement. (Zloof col. 1, lines 38-43). Therefore, Zloof does not disclose, teach, or suggest wearing two or more rings on the same hand.

In contrast to Zloof, claim 1 of the present application has been amended to include the limitation that at least two of the rings are worn on fingers of the same hand. Applicant respectfully submits that the new limitation is not found in Zloof and that claim 1, as amended, is not anticipated by Zloof. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As discussed above, Zloof fails to disclose, teach, or suggest, among other elements, wearing more than one ring on fingers of the same hand. Accordingly, claim 1 is not anticipated by Zloof and, for at least this reason, claim 1 is allowable over Zloof.

Applicant further submits that if all of the elements of an independent claim are not present in a cited reference, then all of the elements of any claim depending therefrom are not

present. Claims 2-3 and 5 depend from claim 1. As discussed above, claim 1 is allowable over Zloof. For at least this reason, claims 2-3 and 5 are also allowable over Zloof.

The Office Action rejects claims 7-9, 11, 15, and 19-20 under 35 U.S.C. §102(b) as being anticipated by Fager (U.S. Pat. No. 6,157,368). Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

Fager discloses a device used to control a piece of equipment with an operator-actuated control member. (Fager Abstract). The user holds the control member in his hand and controls the equipment by moving the control member. (Fager col. 11, lines 11-22). Therefore, Fager does not disclose, teach, or suggest transmitters which are worn on the user's fingers.

In contrast to Fager, claims 7 and 19 of the present application have been amended to include the limitation that the transmitters are worn on fingers of the same hand. Applicant respectfully submits that the new limitation is not found in Fager and that claims 7 and 19, as amended, are not anticipated by Fager. As discussed above, Fager fails to disclose, teach, or suggest, among other elements, that the transmitters are worn on fingers of the same hand. Accordingly, claims 7 and 19 are not anticipated by Fager and, for at least this reason, claims 7 and 19 are allowable over Fager.

Applicant further submits that if all of the elements of an independent claim are not present in a cited reference, then all of the elements of any claim depending therefrom are not present. Claims 8-9, 11, and 15 depend from claim 7. Claim 20 depends from claim 19. As discussed above, claims 7 and 19 are allowable over Fager. For at least this reason, claims 8-9, 11, 15, and 20 are also allowable over Fager.

### **III. Rejections Under 35 U.S.C. §103(a)**

The Office Action rejects claim 4 under 35 U.S.C. §103(a) as being unpatentable over Zloof. Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

As discussed above, Zloof fails to disclose, teach, or suggest all of the elements recited in claim 1, as amended. Claim 4 depends from claim 1. For at least this reason, claim 4 is also allowable over Zloof.

The Office Action rejects claim 10 under 35 U.S.C. §103(a) as being unpatentable over Fager. Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

As discussed above, Fager fails to disclose, teach, or suggest all of the elements recited in claim 7, as amended. Claim 10 depends from claim 7. For at least this reason, claim 10 is also allowable over Fager.

The Office Action rejects claim 12 under 35 U.S.C. §103(a) as being unpatentable over Fager in view of Zloof. Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

As discussed above, neither Fager nor Zloof disclose, teach, or suggest wearing two transmitters on fingers of the same hand as recited in claim 7, as amended. Claim 12 depends from claim 7. For at least this reason, claim 12 is allowable over Fager in view of Zloof.

The Office Action rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over Fager in view of Badarneh (U.S. Pub. No. 2004/0051392). Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

As discussed above, Fager fails to disclose, teach, or suggest wearing two transmitters on fingers of the same hand as recited in claim 7, as amended. Badarneh fails to cure this defect. Claim 13 depends from claim 7. For at least this reason, claim 13 is also allowable over Fager in view of Badarneh.

The Office Action rejects claim 14 under 35 U.S.C. §103(a) as being unpatentable over Fager in view of Lucas (U.S. Pub. No. 2004/0051392). Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

As discussed above, Fager fails to disclose, teach, or suggest wearing two transmitters on fingers of the same hand as recited in claim 7, as amended. Lucas fails to cure this defect. Claim 14 depends from claim 7. For at least this reason, claim 14 is also allowable over Fager in view of Lucas.

The Office Action rejects claims 16-18 under 35 U.S.C. §103(a) as being unpatentable over Fager in view of Zloof in further view of Lucas. Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

As discussed above, Fager, Zloof, and Lucas all fail to disclose, teach, or suggest wearing two transmitters on fingers of the same hand as recited in claim 16. For at least this reason, claim 16 is allowable over Fager in view of Zloof in further view of Lucas. Claims 17-18

depend from claim 16. For at least this reason, claims 17-18 are also allowable over Fager in view of Zloof in further view of Lucas.


Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims for at least the foregoing reasons.

Applicant does not otherwise concede, however, the correctness of the Office Action rejections with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

**SUMMARY**

Applicant submits that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Respectfully submitted,

  
Adam S. Kaplan (Applicant)

Date: April 30, 2007